

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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PUBLIC EMPLOYEES FOR)	
ENVIRONMENTAL RESPONSIBILITY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-1999 (RWR)
)	
FEDERAL EMERGENCY MANAGEMENT)	
AGENCY,)	
)	
Defendant.)	
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ORDER

On October 21, 2009, plaintiff filed its complaint, alleging that the defendant had failed to disclose records responsive to its Freedom of Information Act ("FOIA") request. After both parties filed dispositive motions related to the plaintiff's FOIA claim, the defendant filed a notice of document production, stating that it had released to the plaintiff an unredacted copy of a document responsive to the plaintiff's FOIA request. In light of the defendant's notice of document production, the plaintiff was directed to show cause why the case should not be dismissed as moot. The plaintiff's response to the show cause order states that the defendant has disclosed the requested document and that the only remaining issue in the case relates to attorneys' fees and expenses. Because the plaintiff has received documents responsive to its FOIA request, its FOIA claim is now moot and the complaint must be dismissed in the absence of a live

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controversy. See Drake v. F.A.A., 291 F.3d 59, 62 (D.C. Cir. 2002) (noting that the plaintiff's "requests for information are moot, because he [had] received all the documents to which he is entitled" under FOIA); Perry v. Block, 684 F.2d 121, 125 (D.C. Cir. 1982) (stating that the controversy becomes moot once the disclosure which the suit seeks has already been made).

Accordingly, it is hereby

ORDERED that defendant's motion [4] to dismiss be, and hereby is, GRANTED, and plaintiff's motion [12] for summary judgment be, and hereby is, DENIED as moot. The complaint is DISMISSED as moot. It is further

ORDERED that the June 17, 2010 show cause order be, and hereby is, DISCHARGED. It is further

ORDERED that plaintiff's motion [18] for attorneys' fees be, and hereby is, REFERRED to a magistrate judge under Fed. R. Civ. P. 54(d)(2)(D) for a report and recommendation. This is a final, appealable Order. See Budinich v. Becton Dickinson and Co., 486 U.S. 196, 202-03 (1988) (holding that "a decision on the merits is a 'final decision' . . . whether or not there remains for adjudication a request for attorney's fees attributable to the case").

SIGNED this 30th day of June, 2010.

_____/s/_____
RICHARD W. ROBERTS
United States District Judge